

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Aug 14, 2020**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Don Franklin Eynon Case Number: 0980 2:12CR06001-RMP-1  
Address of Offender: Washington 99352  
Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge  
Date of Original Sentence: February 7, 2013  
Original Offense: Distribution of Child Pornography, 18 U.S.C. § 2252A(a)(2)  
Original Sentence: Prison - 60 months Type of Supervision: Supervised Release  
TSR - Life  
Asst. U.S. Attorney: Ann Wick Date Supervision Commenced: August 11, 2017  
Defense Attorney: Paul E. Shelton Date Supervision Expires: N/A

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/10/2020, and 07/17/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<b><u>Mandatory Condition #2:</u></b> The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Mr. Eynon is alleged to be in violation of his conditions of supervised release by being charged with second degree trespass on July 17, 2020, Benton County District Court case number XZ0483177.

Mr. Eynon commenced supervised release on August 11, 2017. The conditions of supervised release were reviewed and accepted by Mr. Eynon on that date. A copy of his conditions were provided to him, specifically mandatory condition number 2, as noted above.

On July 17, 2020, the Richland Police Department (RPD) responded to Kadlec Medical Center (Kadlec) in Richland, Washington, in reference to a report that Mr. Eynon had fled from Kadlec when he was on a 72-hour mental health hold. RPD responded to Kadlec and could not find Mr. Eynon in the immediate area.

RPD learned Mr. Eynon had a brother that lived close to Kadlec in Richland, Washington, and went to that location. Upon arrival, they witnessed Mr. Eynon walking in the

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neighborhood. RPD activated their emergency lights and slowly followed Mr. Eynon. Another RPD officer arrived in the area, and when the additional unit was seen by Mr. Eynon, he started jogging across the street and into a driveway, eventually going behind the house located at 514 Douglas Avenue.

RPD officers ran after Mr. Eynon while calling his name and telling him to stop. Mr. Eynon eventually stopped and complied with the officer's verbal commands and was taken back into custody without further incident. RPD contacted the resident of 514 Douglas Avenue who confirmed they did not know Mr. Eynon and that he did not have the homeowner's permission to be in their backyard. Mr. Eynon was transported back to Kadlec to complete his mental health evaluation.

A criminal records check was run on Mr. Eynon to ascertain when his next court hearing would be scheduled. A pretrial hearing was scheduled for August 12, 2020, and no further court dates have been listed.

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**Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Mr. Eynon is alleged to be in violation of his conditions of supervised release by being charged with violating a court-ordered domestic violence protection order and resisting arrest on July 19, 2020, Benton County District Court case number XZ0028486.

Mr. Eynon commenced supervised release on August 11, 2017. The conditions of supervised release were reviewed and accepted by Mr. Eynon on that date. A copy of his conditions were provided to him, specifically mandatory condition number 2, as noted above.

On July 19, 2020, RPD officers were dispatched to 315 Rossell Avenue in Richland, Washington, in reference to an order violation in progress. It was confirmed Mr. Eynon was served a no contact order on July 16, 2020, that prevented him from being within 500 feet of the home at 315 Rossell Avenue.

Mr. Eynon had contacted his neighbor and asked the neighbor to get one of Mr. Eynon's sons from the 315 Rossell Avenue residence. The neighbor called police to report this issue. RPD officers arrived and observed Mr. Eynon leaving the area in his pickup. A traffic stop was initiated, and Mr. Eynon was placed under arrest for violation of the court order.

Mr. Eynon stated he had not violated the order as he was having his son come out of the 315 Rossell Avenue address, and further stated he had not been served with an order of no contact. RPD advised Mr. Eynon that he had in fact been served with the order on July 16, 2020. At that point Mr. Eynon became uncooperative by yelling at the officers and saying he was not going to jail. He was verbally instructed to walk to the patrol vehicle, as he was under arrest. Mr. Eynon refused to walk or move, all while yelling he was not going to jail.

RPD officers grabbed Mr. Eynon by the arms and started to walk him back to the patrol vehicle. Mr. Eynon refused to walk, and as he neared the patrol car he slackened his knees throwing himself to the ground while yelling. Mr. Eynon complained the officers were hurting his wrists. RPD officers had to forcefully place Mr. Eynon back on his feet and into the patrol vehicle.

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RPD officers noted Mr. Eynon had some type of leg infection and his leg was leaking pus in the back seat of the patrol vehicle. He was transported to Kadlec for medical clearance. RPD notified the on-call judge from Benton County District Court and were advised they were unable to keep Mr. Eynon in custody. A citation was issued and Mr. Eynon was released to the care of Kadlec so he could receive the needed medical attention for his leg.

A criminal records check was run on Mr. Eynon to ascertain when his next court hearing would be scheduled. A pre trial hearing was scheduled for August 12, 2020, and no further court dates have been listed.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/13/2020

s/Daniel M. Manning

Daniel M. Manning  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

8/14/2020

Date